

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MATTHEW FERO, SHIRLEY KRENZER, ERIN
O'BRIEN, JAMES J. SMITH, JR., SHARON C.
SMITH, JOHN P. PALMER, BARBARA A.
PALMER, ANTHONY PARLATO, BETH A.
PARLATO individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

EXCELLUS HEALTH PLAN, INC. and LIFETIME
HEALTHCARE, INC. ,

Defendants.

Case No. 6:15-cv-06569
JUDGE MICHAEL A. TELESCA

***EX PARTE* MOTION TO CONSOLIDATE**

NOTICE OF MOTION

MOTION MADE BY:

Plaintiffs, Matthew Fero, Shirley Krenzer,
Erin O'Brien, James J. Smith, Jr., Sharon C. Smith,
John P. Palmer, Barbara A. Palmer, Anthony
Parlato, Beth A. Parlato individually and on behalf
of all others similarly situated, by and through their
attorneys, Faraci Lange, LLP and Weitz &
Luxenberg, P.C.

**DATE, TIME AND PLACE OF
HEARING:**

To be determined by Order of the Court.

SUPPORTING PAPERS:

Affirmation of Hadley L. Matarazzo, Esq. and
Memorandum of Law in Support of Plaintiffs' *Ex
Parte* Motion to Consolidate

RELIEF DEMANDED:

- a) An Order of this Court pursuant to Federal Rule
of Civil Procedure 42(a)(2); and
- b) For such other and further relief the Court may
deem just and proper.

REPLY PAPERS:

Plaintiffs intend to submit reply papers.

Dated: October 2, 2015
Rochester, New York

/s/ Hadley L. Matarazzo
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CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing was served upon defendants Excellus Health Plan, Inc. and Lifetime Healthcare, Inc. by personal at the following addresses:

Excellus Health Plan, Inc.
165 Court Street
Rochester, New York 14647

Lifetime Healthcare, Inc.
165 Court Street
Rochester, New York 14647

A copy of the foregoing was also sent by electronic mail and first class mail to the attorney at the law firm of BakerHostetler who has identified himself as counsel for Excellus Health Plan, Inc. at the following addresses:

Paul Karlsgodt, Esq.
BakerHostetler
1801 California Street
Suite 4400
Denver, Colorado 80202-2662
pkarlsgodt@bakerlaw.com

Date: October 2, 2015

/s/ Hadley L. Matarazzo